APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,924	11/09/2001	Glenn Christopher Arnold	13187/4	1796

7590   11/30/2006

KATTEN MUCHIN ZAVIS
Attention: Patent Administrator
Suite 1600
525 West Monroe Street
Chicago, IL 60661-3693

EXAMINER
YIMAM, HARUN M

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/039,924	ARNOLD ET AL.
	Examiner	Art Unit	
	Harun M. Yimam	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 October 2006</u>.

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-5,9 and 11-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-5,9 and 11-15</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>10/25/2006</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicants' arguments with respect to claims 1 – 5, 9 and 11 – 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections – 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 - 5, 9, 11 -12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berberet (US2003/0226150A1) in view of Gerba (5,931,908).

Considering claim 1, Berberet discloses a real time interactive video system comprising:

a server (see 2.3 in Figs. 2 and 2a) for storing a sequence of frames of video content (by implementing the Store Video function 2.3.1.3 of Fig. 2a—paragraphs 85, 130 and 131);

a viewer interaction platform (1.3 in Fig. 2 and paragraph 0130) configured to display said sequence of frames of video content (paragraph 0087 and 0133) and enable a user to select at least one pixel object (a particular video frame or parts of a video programs—paragraph 0087, lines 1-10) in one or more frames of said sequence of frames within an input device (Remote control 2.7 in figure 2, paragraph 0121, lines 1-6 and paragraph 0128, lines 5-19) and link said pixel objects selected by said user to alternate resource platforms (paragraph 0087, lines 1-10).

Berberet fails to specifically teach separate linked video files, which identify the frames and location of pixel objects in said frames. Furthermore, Berberet fails to specifically teach the real time interaction system wherein said linked video files are exported to the viewer interaction platform.

In an analogous art, Gerba discloses a real time interaction system further including a system for reading linked video files (34 Fig. 2) which link predetermined pixel objects in the video frames with predetermined data objects (column 5 lines 5-45). In addition, Gerba discloses a real time interaction system wherein said linked video files (actionable events) are exported to the viewer interaction platform (34 Fig. 2 and column 5 lines 15-20).

It would have been obvious to one of ordinary skill in the art to modify Berberet's system to include a system for reading linked video files which link predetermined pixel objects in the video frames with predetermined data objects as well as linked video files that are exported to the viewer interaction platform, as taught by Gerba, for the benefit of linking pixel objects on the display to data corresponding to the additional information about the object including purchasing information and also for the benefit of allowing the user to view and interact with the linked video files.

Considering claim 2, Berberet fails to specifically teach a timing device for providing timing signals to the sever, the timing signals being synchronized to a real time broadcast of the video content, wherein the timing signals are time stamps.

In an analogous art, Gerba discloses a timing device (6, 14 Fig. 1) for providing timing signals to the server (12 Fig. 1), the timing signal being synchronized to a real time broadcast of the video content, wherein the timing signals are time stamps (column 4 lines 56-64, sequential code column 5 lines 5-15 and column 6 lines 62-65).

It would have been obvious to one of ordinary skill in the art to modify Berberet's system to include the timing signals which are time code numbers, as taught by Gerba, for the advantage of providing a way for the video buffer to keep track of a users current position in a program when the user desires to stop the program and come back at a later time and resume the program from their last position with in the program.

As for claim 3, it is met by the combination of Berberet and Gerba. In particular, Berberet discloses the real time interaction system as recited in claim 1, wherein the video frames are stored sequentially in a video buffer (2.2, 2.2.1 Fig. 2a and paragraph 0131 lines 7-18).

As for claim 4, Berberet and Gerba disclose a real time interaction system wherein the timing signals are time code numbers (see claim 2).

Dealing with claim 5, Berberet and Gerba disclose a real time interaction system wherein the video frames are stored by time code number (see claim 2).

Regarding claim 9, it is met by the combination of Berberet and Gerba. In particular, Berberet discloses the real time interaction system as recited in claim 1, wherein the viewer interaction platform (1.3 Fig. 2) includes a local storage device (2.9 Fig. 2) for storing user selected video frames (paragraph 128).

As for claim 11, it is met by the combination of Berberet and Gerba. In particular, Berberet discloses the real time interaction system as recited in claim 10, wherein the viewer frame interaction application (1.3 Fig. 2) is configured to support one or more local frame advance navigational buttons (Local VCR, paragraph 128 lines 8-12, a VCR inherently supports frame advance navigational buttons).

Dealing with claim 12, it is met by the combination of Berberet and Gerba. In particular, Berberet discloses the real time interaction system as recited in claim 1, wherein the frame interaction application (1.3 Fig. 2) is configured to support a frame advance dialog box which allows unselected frames on the server (2.2 Fig. 2) to be called on a time interval basis (the video buffer allows the user to perform the same functions as if they were using a VCR which shows how this invention is configured to support a frame advance dialog box stated above, paragraph 86).

Considering claim 14, it is met by the combination of Berberet and Gerba. In particular, Berberet discloses the real time interaction system as recited in claim 10, wherein the viewer interaction application (1.3 Fig. 2) is configured to support one or more server frame advance navigational buttons for viewing unselected frames in the server (paragraph 123, paragraph 125 lines 1-7, and [Remote Control] table 1 page 13).

With respect to claim 15, it is met by the combination of Berberet and Gerba. In particular, Berberet discloses the real time interaction system as recited in claim 1, wherein the viewer interaction application supports a graphical user interface (paragraph 123 lines 7-11).

4.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berberet in view of Gupta (US2005/0086703A1).

As for claim 13, Berberet fails to specifically teach the real time interaction system wherein the viewer frame interaction application is configured to support a drop down menu for selecting time intervals.

In an analogous art, Gupta discloses a real time interaction system wherein the viewer frame interaction application (100 Fig. 4) is configured to support a drop down menu for selecting time intervals (paragraph 71).

It would have been obvious to one of ordinary skill in the art to modify Berberet's system to include the viewer frame interaction application configured to support a drop down menu for selecting time intervals, as taught by Gupta, for the advantage of allowing users to search through program content by using the on screen display with would reduce the complexity of the hand held remote control.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY

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